

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

M&J MECHANICAL CORP.,

Plaintiff,

-against-

CALDWELL & WALSH BUILDING
CONSTRUCTION, INC., and MICHAEL
FERRONE,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>7/9/2025</u>

24-CV-03336 (MMG) (RWL)

**ORDER ADOPTING
REPORT &
RECOMMENDATION**

MARGARET M. GARNETT, United States District Judge:

On October 3, 2024, the Court granted Plaintiff M&J Mechanical Corp.’s motion for default judgment against Defendant Caldwell & Walsh Building Construction, Inc. (“Caldwell”), on Counts 1, 2, 3, 4, 5, and 6 of the Complaint and default judgment against Defendant Michael Ferrone on Counts 5 and 6 of the Complaint, and referred the matter to Magistrate Judge Robert W. Lehrburger for a damages inquest. *See* Dkt. Nos. 24, 25. On April 23, 2025, Magistrate Judge Lehrburger issued a Report and Recommendation recommending that Plaintiff be awarded damages from Caldwell only, in the amount of \$2,751,245.34 plus interest.¹ *See* Dkt. No. 39 (the “R&R”). The R&R notified the parties that they had 14 days to file written objections to Magistrate Judge Lehrburger’s recommendations and warned that failure to timely file such objections would result in waiver of any right to object. *See* Dkt. No. 39 at 19.

Despite notification of the right to object to the R&R, no objections were filed. Where no timely objections are made, the Court may adopt the R&R as long as there is no clear error on the face of the record. *Sacks v. Gandhi Eng’g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014).

¹ The Report and Recommendation recommends that M&J Mechanical Corp. be awarded statutory interest, up to the time of judgment, at the rate of 1% per month, or 12% per annum, starting from March 27, 2024. *See* Dkt. No. 39 at 18.

**As there are no objections and as the Court reviewed the record and finds no clear error,
the Court hereby adopts the R&R in its entirety.**

The Clerk of Court is respectfully directed to enter judgment accordingly and to CLOSE
the case.

Dated: July 9, 2025
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge